

ASSEMBLY BILL

No. 1889

Introduced by Assembly Member Fong

February 22, 2012

An act to amend Section 3209.3 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1889, as introduced, Fong. Workers' compensation: acupuncturists.

Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. Existing law prohibits an acupuncturist, as defined, from being authorized to determine disability for certain purposes relating to workers' compensation disability payments and benefits.

This bill would delete this prohibition. The bill would also make technical changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3209.3 of the Labor Code is amended to
2 read:
3 3209.3. (a) "*Acupuncturist*" means a person who holds an
4 *acupuncturist's certificate issued pursuant to Chapter 12*

1 *(commencing with Section 4925) of Division 2 of the Business and*
2 *Professions Code.*

3 (b) “Physician” includes physicians and surgeons holding an
4 M.D. or D.O. degree, psychologists, acupuncturists, optometrists,
5 dentists, podiatrists, and chiropractic practitioners licensed by
6 California state law and within the scope of their practice as defined
7 by California state law.

8 ~~(b)~~

9 (c) “Psychologist” means a licensed psychologist with a doctoral
10 degree in psychology, or a doctoral degree deemed equivalent for
11 licensure by the Board of Psychology pursuant to Section 2914 of
12 the Business and Professions Code, and who either has at least
13 two years of clinical experience in a recognized health setting or
14 has met the standards of the National Register of the Health Service
15 Providers in Psychology.

16 ~~(e)~~

17 (d) When treatment or evaluation for an injury is provided by
18 a psychologist, provision shall be made for appropriate medical
19 collaboration when requested by the employer or the insurer.

20 ~~(d) “Acupuncturist” means a person who holds an acupuncturist’s~~
21 ~~certificate issued pursuant to Chapter 12 (commencing with Section~~
22 ~~4925) of Division 2 of the Business Code.~~

23 ~~(e) Nothing in this section shall be construed to authorize~~
24 ~~acupuncturists to determine disability for the purposes of Article~~
25 ~~3 (commencing with Section 4650) of Chapter 2 of Part 2, or under~~
26 ~~Section 2708 of the Unemployment Insurance Code.~~